IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 23691 of 2004

Between:

1 K.Nagir Reddy S/o.Chenna Reddy
Haliya, Anumula Man,
Nalgonda Dist.
2 C.Bhaskar S/o.Latchaiah
Haliya, Anumula Man,
Nalgonda Dist.

..... PETITIONERS

AND

1 R&B Department, Govt of A.P., rep. by its Secretary,
Secretariat, Hyderabad.
2 The Superintending Engineer, R&B Circle,
Nalgonda Dist.
3 The Executive Engineer, R&B Division
Miryalaguda.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly in the nature of writ of Mandamus declaring the action of the respondents in initiating construction of drainage at a distance of 40 feet from the main cement road of Haliya Village, Anumula Mandal, Nalgonda District, instead of 50 feet without considering the public views or representations of the people before construction of the drainage, as illegal, and consequently direct the respondents to construct the drainage at a distance of 50 feet or at any distance but not 40 feet and to direct the respondents to consider public opinion or representations before construction of drainage on both sides of the cement road of Haliya Village, Anumula Mandal, Nalgonda District.

Counsel for the Petitioners : MR.KOONA REDDY ANJI REDDY

Counsel for the Respondents : GP FOR ROADS & BUILDINGS

The Court made the following :

ORAL ORDER:

(per Hon'ble The Chief Justice)

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On 27.12.2004 time was allowed to the petitioners to supplement the petition with a better affidavit showing the sketch and width of the road, which has not been done. From the averments made, we do not find any public element involved, on which we may entertain this petition as public interest litigation. What should be the width of the road is for the authorities to take into consideration. Petition has not been filed bona fide. Accordingly the writ petition is dismissed. No costs.

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DEVINDER GUPTA. C.J.,

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M. NARAYANA REDDY. J.,

Dated: 17.01.2005.

VRK.

To

1 The Secretary, R & B Department, Govt. of A.P.,
Secretariat, Hyderabad.
2 The Superintending Engineer, R & B Circle,
Nalgonda Dist.
3 The Executive Engineer, R & B Division,
Miryalaguda.

4. The Officer concerned, Public Interest Litigation Cell, High Court Buildings, Hyderabad.

5. The Secretary, A.P. State Legal Aid & Advisory Board, High Court Buildings, Hyderabad.

6. The Secretary to Government of A.P., Home Department, Secretariat, Hyderabad.

7. Two CCs to G.P. for Roads & Buildings, High Court Buildings, Hyderabad (OUT).

8. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE M. NARAYANA REDDY.

W.P.NO. 23691 OF 2004.

(Order of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 17.01.2005.

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